

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

KHALIF MOHAMED DUALE,

CIVIL No.05-2998 JRT/AJB

PETITIONER,

v.

SCOTT BANIECKE, FIELD DIRECTOR
DETENTION AND REMOVAL, FOR
BUREAU OF IMMIGRATION AND
CUSTOMS ENFORCEMENT,

**REPORT AND RECOMMENDATION ON
PETITIONER'S WRIT OF HABEAS CORPUS**

RESPONDENT.

Katherine Menendez, Assistant Federal Public Defender, on behalf of petitioner

Robyn A. Millenacker, Assistant United States Attorney, on behalf of the government

I. INTRODUCTION

This matter is before the court, Magistrate Judge Arthur J. Boylan, on petition of Khalif Mohamed Duale for a writ of habeas corpus under 28 U.S.C. § 2241. The matter has been properly referred to the Magistrate Judge pursuant to 28 U.S.C. § 636 and Local Rule 72.1(c) for a report and recommendation to the district court. The court has been informed by the government that Mr. Duale has been successfully removed to Somalia. Based on the assertion that petitioner is no longer in custody of the Untied States Government, the court **HEREBY RECOMMENDS THAT** Petitioner's Writ of Habeas Corpus [Docket No. 1] be denied as **moot**.

Dated: April 26, 2006

s/Arthur J. Boylan

Arthur J. Boylan
United States Magistrate Judge

NOTICE

Pursuant to Local Rule 72.1(c)(2), any party may object to this Report and Recommendation by filing with the Clerk of Court, and by serving upon all parties, written objections which specifically identify the portions of the Report to which objections are made and the bases for each objection. This Report and Recommendation does not constitute an order or judgment from the District Court and it is therefore not directly appealable to the Circuit Court of Appeals. Written objections must be filed with the Court before **May 5, 2006**.